

*7/15*

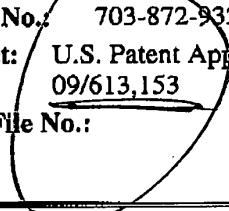
LAW OFFICES  
**FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.**  
 11955 Freedom Drive  
 Reston, VA 20190-5675

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### FACSIMILE TRANSMITTAL

**TO**

Name: Examiner Yehdega Retta  
 Firm: US PTO  
 Fax No.: 703-305-0436  
 Phone No.: 703-872-9326  
 Subject: U.S. Patent Application No.  
 09/613,153  
 Your File No.: 

**FROM**

Name: Jeffrey A. Berkowitz  
 Phone No.: 571-203-2710  
 Fax # Verified by: Finley  
 # Pages (incl. this): 3  
 Date: December 5, 2003  
 Our File No.: 07027.0001-01

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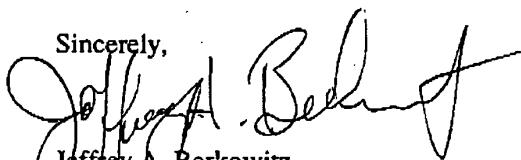
**Message:**

Examiner Retta:

Per our conversation this morning, I am attaching a copy of the Notice of Non-Compliant Amendment issued by the USPTO on November 25, 2003. As you know, reissue applications are exempt from the requirements of 37 C.F.R. § 1.121. As the current application is a reissue application of U.S. Patent No. 6,035,286, I believe that an error was made in the issuance of the November 25<sup>th</sup> Notice.

Please let me know if the Applicant needs to submit anything further to insure that this Notice is withdrawn.

Sincerely,



Jeffrey A. Berkowitz  
 Reg No. 36,743

If there is a problem with this transmission, please notify the sender at the number above, or call the Reston reception desk at 571-203-2700 during normal business hours [Monday through Friday, 8:30am - 5:30pm].

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P.02



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/613.153	07/06/2000	David R. Fried	07027.0001-00	8333
22852	7590	11/25/2003		EXAMINER
		FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 1300 1 STREET, NW WASHINGTON, DC 20005		RETTA, YEHDEGA
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 11/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

✓ Docketed 12/01/03 Attorney LH-JAG  
Case 1021-1-0  
Due Date 12-25-03  
Action Resp to Non-Complaint Amend  
By VO

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P.03



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Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 11/3/03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

1. Amendments to the specification:  
 A. Amended paragraph(s) do not include markings.  
 B. New paragraph(s) should not be underlined.  
 C. Other \_\_\_\_\_

2. Abstract:  
 A. Not presented on a separate sheet, 37 CFR 1.72.  
 B. Other \_\_\_\_\_

3. Amendments to the drawings: \_\_\_\_\_

4. Amendments to the claims:  
 A. A complete listing of all of the claims is not present.  
 B. The listing of claims does not include the text of all claims (including withdrawn claims)  
 C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.  
 D. The claims of this amendment paper have not been presented in ascending numerical order.  
 E. Other: Proper STATUS IDENTIFIERS NEEDED. EX: Original, Currently Amended

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognitive/officeletter.pdf>.

If the non-compliant amendment is a PRELIMINARY AMENDMENT, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a NON-FINAL OFFICE ACTION (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

If the amendment is a reply to a FINAL REJECTION, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Senior Legal Examiner  
Legal Instruments Examiner (LIE)

703/308-9032  
Telephone No.